

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CRYSTAL PERRY,

Case No. 1:23-cv-202

Plaintiff,

v.

Hon. Robert J. Jonker

MICHIGAN STATE UNIVERSITY, et al.,

Defendants.

**STIPULATION AND ORDER TO STAY DISCOVERY AND MODIFY
CASE MANAGEMENT ORDER**

The parties stipulate to stay discovery until after the Early Settlement Conference takes place in this matter and to modify the Case Management Order, if necessary, as follows:

1. On June 6, 2023, the Court entered a Case Management Order (ECF No. 30) setting a Status Conference to Discuss ADR on July 11, 2023, and setting the following deadlines for discovery:
 - a. Plaintiff to Disclose Name, Address, Area of Expertise, and a short summary of expected testimony of Expert Witnesses (Rule 26(a)(2)(A)) and Disclosure of Expert Reports (Rule 26(a)(2)(B)): December 15, 2023
 - b. Defendant to Disclose Name, Address, Area of Expertise, and a short summary of expected testimony of Expert Witnesses (Rule 26(a)(2)(A)) Disclosure of Expert Reports (Rule 26(a)(2)(B)): January 15, 2024
 - c. Completion of Discovery: February 28, 2024

2. On July 11, 2023, the Parties agreed to participate in an early Settlement Conference before Magistrate Judge Phillip J. Green on December 12, 2023.
3. On July 13, 2023, the Court entered an Order regarding Settlement Conference. ECF No. 34.
4. On November 3, 2023, Counsel for Plaintiff realized she had an unavoidable conflict with the Early Settlement Conference date as she had a previously scheduled mediation in another case before this Court, *D.L. et al. v. Michigan Department of Education*, Case No. 1:22-cv-838, on the same date.
5. The mediation in *D.L. et al. v. MDE* was scheduled on June 5, 2023, and involves multiple plaintiffs and attorneys and could not be rescheduled.
6. Counsel for Plaintiff joined a new law firm, Abdnour Weiker LLP, in late June 2023, and believes that the scheduling error was due to the *D.L. et al. v. MDE* mediation date not transferring over to her new firm calendar.
7. Immediately upon realizing the conflict, Counsel for Plaintiff contacted Plaintiff, Counsel for Defendant, and Judge Green's staff to notify them of the conflict and request that the Early Settlement Conference be rescheduled.
8. The Early Settlement Conference was rescheduled for December 14, 2023. ECF No. 36.
9. Counsel for both parties has conferred and agree that settlement prospects will be improved if the parties stay discovery until after the Early Settlement Conference occurs.
10. The parties jointly request a stay of discovery deadlines until after the Early Settlement Conference.
11. The parties further request an extension of the remaining case management order dates, to be determined following the Early Settlement Conference, if necessary.

12. Fed. R. Civ. P. 16(b)(4) states that the Court's Scheduling Order "may be modified only for good cause and with the judge's consent."
13. Fed. R. Civ. P. 6(b) allows the Court to extend the time contained in the Court's Scheduling Order "with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expire." *See also Prewitt v. Hamline Univ.*, 764 F. App'x 524, 530 (6th Cir. 2019) ("a district court may grant an extension request for 'good cause' when the request is made before expiration of the applicable deadline").
14. The parties are working diligently to comply with the Court deadlines.
15. The extension of time requested will not cause any undue hardship or prejudice to any party.
16. Good cause is shown here as detailed above.

Upon stipulation of the parties, and the Court being otherwise advised in the premises;

IT IS HEREBY ORDERED that discovery shall be stayed until after the Settlement Conference takes place and an extension of the remaining case management order dates will be determined following the Settlement Conference , if necessary.

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge

Date: November 13, 2023

I HEREBY STIPULATE TO ENTRY
OF THE ABOVE ORDER.

/s/ Elizabeth K. Abdnour
Elizabeth K. Abdnour (P78203)
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CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2023, I electronically filed the foregoing document with the Clerk of the Court using the Court's ECF system, which will send notification of such filing to counsel of record.

/s/ Elizabeth K. Abdnour
Elizabeth K. Abdnour